

ROCKY HILL PLANNING BOARD
Minutes of the July 13, 2004 Meeting

Present: Baralt, Bristol, Cann, Harris, Hasser, Hayden, Muser, Nolan, Roshetar, Whitlock, Yuchmow

Absent: None

Also present: G. Muller, and K. Philip

Statement Of Adequate Notice

Pursuant to the Sunshine Law, a notice of this meeting's date, time, place and agenda was mailed to the news media, posted on the Municipal bulletin board and filed with the Municipal Clerk. The meeting was called to order at 7:30 p.m.

Chairperson's Comments: S. Bristol stated that we are in the midst of the County's Cross Acceptance process, subcommittee members are Cann, Bristol, Harris and Nolan. S. Kimball is also on the committee. C. Cann stated that as a result of the meeting, they discussed the municipal questionnaire which is to be completed by 7/15. Copies of the questionnaire were routed to Board members for review. C. Cann stated that the report should include how the Planning Board has been following through with the goals of the Master Plan. The next meeting is scheduled for July 29th.

S. Bristol stated that representatives are needed for the Central Jersey Transportation Forum. The next meeting is scheduled for 9:00 a.m. on July 23rd at the Sarnoff Center. Topics for discussion include Route 92, transportation issues, and SmartGrowth. Board members were asked to contact S. Bristol if interested. S. Bristol advised that the Historic Preservation brochure should be finalized this week. S. Bristol then stated that she had been contacted by residents regarding the parachute tree house. She asked the zoning officer to report on his findings. Mr. Raffaelli stated that the tree house was constructed three feet off the property line. The structure will require a building permit, and zoning approval must be obtained first. He will ask them to remove the structure in the meantime. The treehouse overlooks the porch on the neighboring parcel. B. Nolan asked if it can be relocated elsewhere on site, and Mr. Raffaelli stated that it would have to be constructed in accordance with code.

Open Public Comment Period: The meeting was opened to the public. Being that there were no comments, a motion was made by B. Nolan and seconded by P. Harris to close the public comment period. The vote was 8-0 in favor. Motion carried.

Approval of Minutes:

March 9, 2004 – Motion made by R. Whitlock and J. Yuchmow seconded the motion to approve the minutes of March 9, 2004 as amended. The vote was 9-0 in favor of those eligible to vote. Motion carried.

June 8, 2004 – Motion made by C. Cann and P. Hayden seconded the motion to approve the minutes of June 8, 2004. The vote was 7-0 in favor of those eligible to vote. Motion carried.

B. Nolan and P. Harris stepped down from the following application. G. Muller advised that Borough Council members must step down because it is a use variance.

HISTORIC PRESERVATION AND USE VARIANCE REVIEW

Deborah Land, 49 Crescent Avenue

G. Muller, Esq., began by stating that the notice has been reviewed and it was determined that the notice is in order therefore the Board has jurisdiction. He then stated that seven board members are needed for use variance approval. He stated that the proposal is for the expansion of a pre-existing non-conforming use. Standards for the D-variance include the need to prove that the improvements are well suited to the site and there is no detrimental impact to the public good or zone plan. He stated that the property is located in the historic district and proceeded to read ordinance sections into the record.

Debra Land, 49 Crescent Avenue, addressed the board. Ms. Land stated that she attempted to adhere to the historic architecture when designing the proposed addition. She presented Exhibit A-1 (series of photographs and plans of her property and others properties in Rocky Hill). S. Bristol stated that revised plans have been provided to the Board but the plans were not properly marked with a revised date so Board members were asked to mark the revised plans with today's date. Ms. Land stated that her neighbors had concerns about the design, they did not want the removal of a large tree and also they were opposed to constructing the addition along the common wall between the two homes. Ms. Land stated that the revised plan provides a 6-foot separation of the addition from the common property line and relocation of the front door to make it more aesthetically pleasing. L. Raffaelli, Zoning Officer, was sworn in and stated that the revised location of the addition is still within the setback line. Ms. Land stated that the proposed addition is similar to the design of structures in the area which are two to three stories in height, and that the addition is proposed at the rear of the property so the visual change from the street would be minimal. Also shifting the addition allows sunlight on the adjoining residence. Wood siding is proposed to match the existing, casement and awning windows are proposed and Ms. Land presented Exhibit A-1 which has examples of the proposed treatment. The concept plan was then presented (Exhibit A-2), and she advised that the design of the windows were changed in accordance with comments received from the Planning Board. Ms. Land stated that the property would be more viable after construction of the addition.

S. Bristol asked about the window trim, and Ms. Land stated that the windows do not have trim, they have framing around the glazing. S. Bristol stated that there are windows depicted on the western elevation and fire code limits glazing on walls that are adjacent to an attached home. She asked Ms. Land to check with the code and follow the recommended approach.

The meeting was then opened to the public. George David Lafontant, 51 Crescent Avenue, was sworn in and stated that he has resided in this home since 1999. He and his wife are the contract purchasers for the home which is owned by his father-in-law Alan Joyce. Mr. Lafontant stated that Homeowner Association rules dictate that the owner must agree with the proposal and Mr. Joyce is out of town and could not be in attendance. Mr. Lafontant asked if Ms. Land considered building the addition along side the home and not in the rear, Ms. Land stated that she did not feel this would work best on site since there is so much room in the rear and this would hinder future driveway/garage access. Mr. Lafontant stated that one of the homes on Exhibit A-1 which Ms. Land testified is architecturally similar to the proposed design (131

Washington) is a single-family home, not a two-family home. He asked if a garage is anticipated and Ms. Land stated that none is anticipated. Mr. Lafontant stated that they did not get a chance to see the plans till after the concept review and they were never advised of this meeting. He proceeded to read into the record his testimony (Exhibit M-1) and provided Mr. Muller a copy of his letter. He feels that the addition will affect the integrity and value of the home; he was advised by an architectural engineer that the addition proposed is structurally unsound. The large Cherry tree is in close proximity to the area of disturbance and may be impacted by this addition. He stated that there was an oil tank at this location, and he asked about clean up approaches that had been taken. He also had concerns about construction traffic in addition to the scaffolding and restoration of the land if it is affected by all this activity. A final concern was the diminishment of the sun on their property.

G. Muller stated that the proposal turns a symmetrical design to an asymmetrical design. This is a concern because if the Board approves this, and a neighbor comes in with a similar design, would that proposal also be approved? Ms. Land stated that she met with the homeowner in January and he was fine with the design and inquired if she was interested in purchasing his half of the structure. Mr. Lafontant stated that Mr. Joyce offered the home because he was unaware of their interest in purchasing the home. He stated that Ms. Land was told several times that they were the contract purchasers but were left out of this discussion completely.

Jennifer Joyce, 51 Crescent Avenue, was sworn in and testified that she has concerns about the common wall if the addition is constructed as originally proposed. G. Muller asked if she still had concerns after reviewing the revised plan and she responded that the plan appears to address potential problems. She spoke with a landscaper at Bromley Landscaping, and he advised that the health of the tree cannot be determined but the addition is very close to the drip line. They considered installing a fence between the two properties but the association bylaws do not permit fencing. She feels they have not been considered in this design and wishes to work closer with the applicant on a design. G. Muller stated that the best approach would be to have the owners work this out but the applicant can proceed if she so desires.

Julia Hasser, was sworn in and asked if the applicant will be hiring an architect to construct this addition. Ms. Land said that she has hired an architect.

Motion was made by R. Whitlock and T. Roshetar seconded the motion to close the public portion of the meeting. The vote was 7-0 in favor. MOTION CARRIED.

Board discussion took place, S. Bristol stated that the proposed plan has potential but more detail is needed. She recommended that the applicant work with the neighbors. The relocation of the front door to the street side is a favorable improvement to the design. In addition, S. Bristol discussed the symmetry and roof lines and stated that if the addition was over 12 feet away from the common property line with a gable on the right edge of the façade, there would be adequate space for a drive and fence.

Motion was made by T. Roshetar and J. Muser seconded to motion to approve the use variance request with the addition as defined in the revised plan dated 7/13. The vote was 3-3-1 in favor. MOTION DENIED.

For: Muser, Roshetar, Whitlock

Against: Cann, Hayden, Yuchmow
Abstain: Bristol

Motion was made by J. Yuchmow and R. Whitlock seconded the motion to approve the use variance request. The applicant was instructed to submit revised plans showing the location of the two-story addition and the Board asked for a redesign and refinement of the front elevation for balance. The vote was 7-0 in favor. MOTION CARRIED.

Motion was made by R. Whitlock and T. Roshetar seconded to motion to approve the Preservation Plan. The vote was 2-4-1 in favor. MOTION DENIED.

For: T. Roshetar, R. Whitlock
Against: Cann, Hayden, Muser, Yuchmow
Abstain: Bristol

The applicant was instructed to come back before the Board after further study of the historic preservation criteria, the applicant was also asked to consider massing and reducing the height of the proposed addition.

Motion was made by J. Yuchmow and C. Cann seconded to go into closed session at 10:45 p.m. All members present were in favor. Motion carried.

Motion was made by R. Whitlock and C. Cann seconded the motion to go into open session at 11:00 p.m.

Motion was made and seconded to adjourn the meeting at 11:00 p.m. All members present were in favor. Motion carried.

The next meeting is scheduled for Tuesday, August 10, 2004.

Respectfully submitted,

Kerry A. Philip
Recording Secretary